

Article - Environment

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§4-706.

(a) If the Department has assumed control of an oil spill situation involving an underground oil storage tank or heating oil tank under this title, the Department may obtain from the Fund, for site rehabilitations that meet the same cleanup priority as those site rehabilitations reimbursed under § 4-705 of this subtitle:

(1) Reimbursement for usual, customary, and reasonable costs incurred in performing site rehabilitation;

(2) A guarantee of payment to a qualified contractor for the usual, customary, and reasonable costs of performing site rehabilitation; or

(3) Matching funds required under § 9003(h) of the Federal Solid Waste Disposal Act for the Federal Leaking Underground Storage Tank Program.

(b) The per occurrence deductible or limitation provided under § 4-705(c) of this subtitle does not apply to the reimbursement or guarantee to a contractor under this section.

(c) In order to encourage that site rehabilitation activities be undertaken by an owner, operator, or other person responsible for a discharge from an underground oil storage tank or heating oil tank, any site rehabilitation costs including attorney's fees and litigation costs incurred by the Department or the Fund under this section shall be recoverable from the responsible party to the Fund.

(d) Recoveries collected under subsection (c) of this section shall be paid into the Fund.

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